IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6510 OF 2005.

Fazlur Rahman Khan. ... Applicant.
Versus.
The State of Maharashtra & anr. ... Respondents.

Shri S.K.Dubey for the Applicant.
Mrs.M.M.Deshmukh for the Respondent-State.

CORAM : ABHAY S.OKA, J.
DATED : 1st December, 2006.

P.C.:

1. Heard the learned Advocate for the Applicant. In a complaint filed by the Applicant under section 138 of the Negotiable Instruments Act, 1881, the trial Court has acquitted the 2nd Respondent. After having heard the learned Advocate for the Applicant and after perusing the impugned Judgment, I find that no case is made out for grant of leave. The cheques on the basis of which the complaint was filed were issued in favour of M/s.Dazzle Designers. Admittedly the wife of the Applicant is shown as the sole proprietor of M/s.Dazzle Designers.

2. In the present case, the Applicant is neither the payee nor the holder in due course. Hence the complaint filed by him was not competent. Hence dismissal of the complaint on the said ground appears to be correct. In any event, the view taken by the learned trial Judge is certainly a possible view of the matter. No case is made out for grant of leave. The Application is rejected.

Judge.